

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 968 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? Yes
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
2 to 5 No

MOHMED AMIN S/O ABDUL KHALIK BHATT

Versus

STATE OF GUJARAT

Appearance:

Mr. G. Ramakrishnan for Petitioner
Mrs. B.R. Gajjar, APP for Respondent No. 1

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 27/04/98

ORAL JUDGEMENT

Learned advocate appearing for the petitioner Mr. G. Ramakrishnan not prersent. Heard learned APP Mrs. B.R. Gajjar appearing for the Respondent State. Rule. Learned APP waives service of rule on behalf of respondents.

2. The petitioner who is at present the prisoner in

Sabarmati Jail as convict has moved the present petition with a prayer to transfer the Sessions Case No. 10 of 1997 from the court of Additional City Sessions Judge Shri M.T. Unadkat, Court No.23 to any other court on the ground that petitioner has apprehension that he is not likely to get justice from the said court. That the apprehension shown by the petitioner appears to have been based on an incident. That the matter was fixed for hearing on 21st January, 1998. However, as the advocate of the petitioner sent a sick note on account of his sickness, the court adjourned the matter on the next day i.e. on 22nd January, 1998 and in the meanwhile court started examining the panch witness. That the petitioner as accused of the said case has requested the court that he does not know Gujarati and, therefore, in the absence of his advocate, he would not be able to know what witness has deposed and he thereby would not be able to explain the contents to his advocate. That learned judge had failed to grant his request. Furthermore, the application moved by the petitioner in the City Sessions Court was also rejected on 26.02.1998.

3. Learned APP Mrs. B.R. Gajjar has stated at the Bar that as per the practice and procedure followed at City Sessions Court, the criminal business of conducting sessions are allotted to different courts for a duration of three months only by rotation. That by this time, the duration of criminal business of court of Additional Sessions Judge, Court No.23 has come to an end and thereby the matter shall be posted before some other judge. Learned Advocate initially appearing for the petitioner has not disputed the said submission as he himself had provided said information to learned APP.

4. On the basis of above stated discussion, the present petition has become infructuous and the same stands disposed of as rejected. Rule is discharged with no order as to costs. Interim relief granted earlier stands vacated.

p.n.nair